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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,249	02/24/2004	Bart Van Den Bossche	920522-95589	8919
23644	7590	11/18/2005		
BARNES & THORNBURG, LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER SEVER, ANDREW T	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
101785,249	2/24/2004	Bart Van Den Bossche	920522-95589

EXAMINER

SEVER, ANDREW

ART UNIT	PAPER
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2851

20051111

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Commissioner for Patents

Applicant's election of Species III (Figure 4) in the reply filed on 8/15/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant's response is considered nonresponsive as applicant has failed to include identification of the claims readable upon the elected species or else applicant is arguing that all claims are generic, which as outlined in the office action of 7/14/2005 is nonresponsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Applicant has elected all claims 1-15 without identifying which claims are generic. Further all claims 1-15 do not read on the elected species. For example claim 6 clearly does not read on figure 4 (first imaging lens 54 is only found in figures 1 and 2 which correspond to species I and II not III and IV). It appears that applicant is attempting to argue a traversal of the restriction requirement in that claim 1 is generic. Even if claim 1 is generic applicant is still required to identify those claims that read on species III. Applicant cannot presume that the generic claim 1 is allowable. It is premature prior to examination on the merits to consider claims drawn to the non-elected species based on the existence of a generic claim.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Since applicant has failed to provide convincing arguments of why the restriction requirement is incorrect and applicant has failed to identify those claims, which actually read on the elected species, the reply is being held nonresponsive.

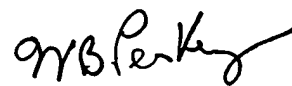
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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AS

William Perkey
Primary Examiner